

MONTANA LEGISLATIVE HISTORY

Chapter 373 1997

Bill H _____ S 332 Original bill & history 1 C

H. Committee on Ad. Resources

Hearing Date(s) 3/10 1 C

3/14 1 C

_____ C

_____ C

Date Out _____ C

S. Committee on Ad. Resources

Hearing Date(s) 2/14 1 C

2/19 1 C

_____ C

_____ C

Did this bill originate in an interim committee? _____ Yes 1 No

Committee _____

Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendant information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

	AMENDING SECTIONS 15-31-141, 15-31-701, AND 15-31-702, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, A RETROACTIVE APPLICABILITY DATE, AND AN APPLICABILITY DATE.	1701
370	(Senate Bill No. 124; Christiaens) AN ACT GENERALLY REVISING THE LAWS ADMINISTERED BY THE PUBLIC EMPLOYEES' RETIREMENT BOARD; PROVIDING THAT FEDERAL TAX LAWS GOVERNING QUALIFICATION OF THE PUBLIC EMPLOYEE RETIREMENT SYSTEMS SUPERSEDE CONFLICTING STATE STATUTES; GIVING THE BOARD RULEMAKING AUTHORITY; DEFINING "STATUTORY BENEFICIARY" AND "TERMINATION OF EMPLOYMENT" OR "TERMINATION OF SERVICE"; ALLOWING MEMBERS OF THE GAME WARDENS' RETIREMENT SYSTEM TO QUALIFY PERIODS OF ABSENCE FROM COVERED EMPLOYMENT BECAUSE OF SERVICE-CONNECTED INJURY OR ILLNESS; CLARIFYING CERTAIN SERVICE CREDIT PROVISIONS; ALLOWING MAILINGS FOR CERTAIN NONPROFIT ORGANIZATIONS; CLARIFYING CERTAIN DEFINITIONS; REVISING CERTAIN PROVISIONS RELATED TO FAMILY LAW ORDERS; REVISING CERTAIN OPTIONAL MEMBERSHIP PROVISIONS; REVISING PROVISIONS RELATED TO THE TRANSFER OF SERVICE FROM THE TEACHERS' RETIREMENT SYSTEM; CLARIFYING BENEFIT COMMENCEMENT DATES FOR ALL SYSTEMS; ALLOWING CANCELLATION OF DISABILITY BENEFITS AND AN EXCEPTION TO REINSTATEMENT PROVISIONS; REVISING CERTAIN PROVISIONS RELATED TO BENEFICIARY DESIGNATION AND SURVIVOR BENEFIT OPTIONS; AMENDING SECTIONS 2-6-109, 19-2-303, 19-2-701, 19-2-702, 19-2-704, 19-2-801, 19-2-802, 19-2-907, 19-3-401, 19-3-412, 19-3-504, 19-3-511, 19-3-513, 19-3-1015, 19-3-1104, 19-3-1601, 19-5-103, 19-5-601, 19-5-801, 19-6-501, 19-6-612, 19-7-501, 19-7-612, 19-7-708, 19-7-801, 19-8-601, 19-8-712, 19-8-1101, 19-9-801, 19-9-904, 19-9-905, 19-13-701, 19-13-804, 19-13-805, AND 19-17-102, MCA; REPEALING SECTIONS 19-3-903 AND 19-3-1006, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.	1704
371	(Senate Bill No. 181; Hargrove) AN ACT CLARIFYING CERTAIN PROVISIONS RELATING TO RESORT RETAIL ALL-BEVERAGES LICENSES; ESTABLISHING THAT A RESORT AREA, FOR THE PURPOSES OF A RESORT RETAIL ALL-BEVERAGES LICENSE, MAY NOT INCLUDE LAND OR IMPROVEMENTS LYING WITHIN THE BOUNDARIES OF AN INCORPORATED CITY OR TOWN; CLARIFYING THE MEANING OF THE TERMS "CONTROL" AND "RESORT AREA" FOR THE PURPOSES OF RESORT RETAIL ALL-BEVERAGES LICENSES; CLARIFYING HEARING NOTICE REQUIREMENTS FOR THE PURPOSES OF RESORT RETAIL ALL-BEVERAGES LICENSES; ESTABLISHING AN INITIAL \$20,000 FEE TO OBTAIN A RESORT RETAIL ALL-BEVERAGES LICENSE; AMENDING SECTIONS 16-4-202 AND 16-4-501, MCA; AND PROVIDING AN EFFECTIVE DATE.	1729
372	(Senate Bill No. 315; McCarthy) AN ACT MODIFYING THE DEFINITION OF "CONTAINER SITE"; AMENDING SECTION 75-10-103, MCA; AND PROVIDING AN EFFECTIVE DATE.	1734
373	(Senate Bill No. 332; Miller) AN ACT REQUIRING SOLID WASTE MANAGEMENT FACILITIES LICENSED PRIMARILY AS WASTE TIRE DISPOSAL SITES TO PROVIDE FINANCIAL ASSURANCE TO GUARANTEE THE PROPER MANAGEMENT AND DISPOSAL OF WASTE TIRES; REQUIRING A STUDY OF ISSUES REGARDING	

- WASTE TIRES; AMENDING SECTIONS 75-10-203 AND 75-10-204, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE. 1735
- 374 (*Senate Bill No. 379; Lynch*) AN ACT GENERALLY REVISING CONSUMER LOAN LAWS; SPECIFYING THAT, WITH RESPECT TO LOANS ON WHICH CHARGES ARE MADE ON AN ADD-ON BASIS, THE INSTALLMENT CONTRACTED FOR MAY NOT BE SUBSTANTIALLY LARGER THAN ANY PRECEDING INSTALLMENT; SPECIFYING THAT, WITH RESPECT TO LOANS ON WHICH CHARGES ARE MADE ON AN ADD-ON BASIS, THE MINIMUM MONTHLY PAYMENTS MUST BE MADE IN AN AMOUNT THAT WOULD RESULT IN THE FULL REPAYMENT OF THE INITIAL LOAN ADVANCE, EXCLUSIVE OF ANY CHARGES, WITHIN A STATUTORILY-SPECIFIED MAXIMUM TERM; SETTING A 30-DAY LIMIT FOR CERTAIN CONSUMER LOAN LICENSEES TO RETURN TO CERTAIN BORROWERS A RELEASE OF THE MORTGAGE OR A REQUEST FOR RECONVEYANCE OF THE DEED OF TRUST OR TRUST INDENTURE ON REAL PROPERTY TAKEN AS SECURITY FOR A LOAN; AND AMENDING SECTIONS 32-5-102, 32-5-103, 32-5-203, 32-5-302, 32-5-307, 32-5-503, AND 32-5-505, MCA. 1739
- 375 (*House Bill No. 111; Ahner*) AN ACT GENERALLY REVISING THE LAWS RELATING TO THE IDENTIFICATION AND REGISTRATION OF SEXUAL AND VIOLENT OFFENDERS; PROVIDING FOR A SEXUALLY VIOLENT PREDATOR DESIGNATION; PROVIDING IMMUNITY FOR NEGLIGENCE; AMENDING SECTIONS 41-5-523, 44-6-101, 46-18-201, 46-23-501, 46-23-502, 46-23-503, 46-23-504, 46-23-505, 46-23-506, 46-23-507, AND 46-23-508, MCA; REPEALING SECTION 46-18-254, MCA; AND PROVIDING APPLICABILITY DATES. 1742
- 376 (*House Bill No. 189; Barnett*) AN ACT AUTHORIZING THE TRAINING, CERTIFICATION, AND APPOINTMENT OF SPECIALLY QUALIFIED DEPUTY STOCK INSPECTORS; EXTENDING THE APPLICATION OF CERTAIN TRAVEL PERMITS FOR ADDITIONAL TYPES OF LIVESTOCK; DELINEATING THE AUTHORITY OF SPECIALLY QUALIFIED DEPUTY STOCK INSPECTORS WITH RESPECT TO A CHANGE IN OWNERSHIP OF THE LIVESTOCK AND WITH RESPECT TO TRANSPORTING LIVESTOCK; REVISING THE DEFINITION OF "LIVESTOCK" AS THE TERM IS USED WITH RESPECT TO MARKS AND BRANDS; AMENDING SECTIONS 81-3-201 AND 81-3-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. 1759
- 377 (*House Bill No. 193; Hanson, Sonny*) AN ACT CLARIFYING THE AUTHORITY OF THE LEGISLATIVE AUDITOR TO ACCESS CERTAIN TRANSACTIONS BETWEEN PUBLIC ENTITIES AND PRIVATE FOUNDATIONS OR ORGANIZATIONS SUPPORTING THE UNIVERSITY SYSTEM IN ORDER TO ENSURE COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS; AMENDING SECTIONS 5-13-304 AND 18-1-118, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE. 1762
- 378 (*House Bill No. 222; Anderson*) AN ACT ADOPTING STANDARDS ESTABLISHED FOR DEATH PENALTY CASES BY THE FEDERAL ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996; IMPOSING A TIME LIMIT FOR THE SENTENCING HEARING IN A DEATH PENALTY CASE; GENERALLY REVISING LAWS PERTAINING TO POSTCONVICTION PROCEEDINGS; AMENDING SECTIONS 46-18-102, 46-18-301, 46-21-101, 46-21-102, 46-21-105, AND

3/27	COMMITTEE REPORT—BILL CONCURRED		
4/04	2ND READING CONCURRED	94	5
4/05	3RD READING CONCURRED	92	8
	RETURNED TO SENATE		
4/10	SIGNED BY PRESIDENT		
4/10	SIGNED BY SPEAKER		
4/11	TRANSMITTED TO GOVERNOR		
4/15	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 268		
	EFFECTIVE DATE: 10/01/97		

SB 330 INTRODUCED BY VAN VALKENBURG *LC1238 DRAFTER: PETESCH*
 AUTHORIZE THE USE OF ACCUMULATED SICK LEAVE TO PURCHASE
 RETIREMENT SERVICE CREDIT

2/11	INTRODUCED		
2/11	FIRST READING		
2/11	REFERRED TO STATE ADMINISTRATION		
2/11	FISCAL NOTE REQUESTED		
2/17	HEARING		
2/18	FISCAL NOTE RECEIVED		
2/20	FISCAL NOTE PRINTED		
2/21	TABLED IN COMMITTEE		
4/05	MISSED DEADLINE FOR 71ST DAY TRANSMITTAL		
	DIED IN COMMITTEE		

SB 331 INTRODUCED BY THOMAS *LC1291 DRAFTER: MCCLURE*
 REVISE WORKERS' COMPENSATION ACT PAYMENTS FOR HOSPITAL
 REIMBURSEMENTS

2/11	INTRODUCED		
2/11	FIRST READING		
2/11	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
2/11	FISCAL NOTE REQUESTED		
2/17	HEARING		
2/17	FISCAL NOTE RECEIVED		
2/18	FISCAL NOTE PRINTED		
2/20	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/22	2ND READING PASSED	50	0
2/24	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
3/03	FIRST READING		
3/03	REFERRED TO BUSINESS & LABOR		
3/24	HEARING		
3/25	COMMITTEE REPORT—BILL CONCURRED		
4/03	2ND READING CONCURRED	66	30
4/04	3RD READING CONCURRED	74	24
	RETURNED TO SENATE		
4/08	SIGNED BY PRESIDENT		
4/08	SIGNED BY SPEAKER		
4/09	TRANSMITTED TO GOVERNOR		
4/18	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 308		
	EFFECTIVE DATE: 07/01/97		

SB 332 INTRODUCED BY MILLER *LC1060 DRAFTER: MITCHELL*
 REQUIRE SOLID WASTE MANAGEMENT FACILITIES LICENSED PRIMARILY
 AS WASTE TIRE DISPOSAL SITES TO PROVIDE FINANCIAL ASSURANCE

TO GUARANTEE THE PROPER MANAGEMENT AND DISPOSAL OF WASTE
TIRES

2/11	INTRODUCED		
2/11	FIRST READING		
2/11	REFERRED TO NATURAL RESOURCES		
2/14	HEARING		
2/20	COMMITTEE REPORT—BILL PASSED		
2/22	2ND READING PASSED	50	0
2/24	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
3/03	FIRST READING		
3/03	REFERRED TO NATURAL RESOURCES		
3/10	HEARING		
3/20	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/07	2ND READING CONCURRED AS AMENDED	77	23
4/07	3RD READING CONCURRED	77	22
	RETURNED TO SENATE WITH AMENDMENTS		
4/14	2ND READING AMENDMENTS CONCURRED	50	0
4/15	3RD READING CONCURRED AS AMENDED	48	2
4/18	SIGNED BY PRESIDENT		
4/20	SIGNED BY SPEAKER		
4/21	TRANSMITTED TO GOVERNOR		
4/23	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 373		
	EFFECTIVE DATE: 07/01/97		

SB 333 INTRODUCED BY LYNCH, ET AL. *LC1224 DRAFTER: CAMPBELL*

REQUIRE A CONSOLIDATED CITY-COUNTY TO EXTEND MEMBERSHIP IN
ITS FIRE DEPARTMENT RELIEF ASSOCIATION TO VOLUNTEER
FIREFIGHTERS OF AREAS THAT WERE UNINCORPORATED AREAS
PRIOR TO THE CITY-COUNTY CONSOLIDATION

2/12	INTRODUCED		
2/12	FIRST READING		
2/12	REFERRED TO LOCAL GOVERNMENT		
2/12	FISCAL NOTE REQUESTED		
2/18	HEARING		
2/18	FISCAL NOTE RECEIVED		
2/18	FISCAL NOTE PRINTED		
2/19	TABLED IN COMMITTEE		
3/03	MISSED DEADLINE FOR 45TH DAY TRANSMITTAL		
	DIED IN COMMITTEE		

SB 334 INTRODUCED BY GROSFIELD *LC0785 DRAFTER: COLHOUN*

IMPLEMENT ARTICLE IX, SECTION 1, OF THE MONTANA CONSTITUTION BY
PROVIDING FOR THE MAINTENANCE AND IMPROVEMENT OF A CLEAN
AND HEALTHFUL ENVIRONMENT IN THE ADMINISTRATION AND
ENFORCEMENT OF MONTANA'S LAWS PROVIDING ADEQUATE
REMEDIES FOR THE PROTECTION OF THE ENVIRONMENTAL LIFE
SUPPORT SYSTEM FROM DEGRADATION AND PREVENTING
UNREASONABLE DEPLETION OR DEGRADATION OF NATURAL
RESOURCES

2/12	INTRODUCED		
2/12	FIRST READING		
2/12	REFERRED TO NATURAL RESOURCES		
2/17	HEARING		
2/20	COMMITTEE REPORT—BILL PASSED		
2/24	2ND READING PASSED	29	21
2/25	3RD READING PASSED	29	21

Senate BILL NO. 332INTRODUCED BY J. Hill

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SOLID WASTE MANAGEMENT FACILITIES LICENSED PRIMARILY AS WASTE TIRE DISPOSAL SITES TO PROVIDE PERFORMANCE OR OTHER SURETY BONDS TO GUARANTEE THE PROPER MANAGEMENT AND DISPOSAL OF WASTE TIRES; AND AMENDING SECTIONS 75-10-203 AND 75-10-204, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because it authorizes the department of environmental quality to adopt additional rules requiring that solid waste management systems that are licensed primarily for the management and disposal of waste tires provide sufficient bonding to cover the cost of transport, treatment, and disposal of the waste tires if the facility is not capable of proper management. It is the intent that the amount of the bond be adjusted as necessary if there are changing operational circumstances at the licensed facility and in the waste tire market. It is not the intent of the legislature to require licensing or bonding of retail facilities that store reusable tires for the purposes of recapping, retreading, or reuse as tires.

IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-10-203, MCA, is amended to read:

"75-10-203. Definitions. Unless the context requires otherwise, in this part, the following definitions apply:

- (1) "Board" means the board of environmental review provided for in 2-15-3502.
- (2) "Department" means the department of environmental quality provided for in 2-15-3501.
- (3) "Dispose" or "disposal" means the discharge, injection, deposit, dumping, spilling, leaking, or placing of any solid waste into or onto the land so that the solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters, including ground water.
- (4) "Household hazardous waste" means products commonly used in the home that due to corrosivity, ignitability, reactivity, toxicity, or other chemical or physical properties are dangerous to human

1 health or the environment. Household hazardous waste includes but is not limited to cleaning, home
2 maintenance, automobile, personal care, and yard maintenance products.

3 (5) "Household waste" means any solid waste derived from households, including single and
4 multiple residences, hotels, and motels, crew quarters, and campgrounds and other public recreation and
5 public land management facilities.

6 (6) (a) "Municipal solid waste landfill" means any publicly or privately owned landfill or landfill unit
7 that receives household waste or other types of waste, including commercial waste, nonhazardous sludge
8 and industrial solid waste.

9 (b) The term does not include land application units, surface impoundments, injection wells, or
10 waste piles.

11 (7) "Person" means an individual, firm, partnership, company, association, corporation, city, town,
12 local governmental entity, or any other governmental or private entity, whether organized for profit or not.

13 (8) "Resource recovery" means the recovery of material or energy from solid waste.

14 (9) "Resource recovery facility" means a facility at which solid waste is processed for the purpose
15 of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse.

16 (10) "Resource recovery system" means a solid waste management system that provides for the
17 collection, separation, recycling, or recovery of solid wastes, including disposal of nonrecoverable waste
18 residues.

19 (11) (a) "Solid waste" means all putrescible and nonputrescible wastes, including but not limited
20 to garbage; rubbish; refuse; ashes; sludge from sewage treatment plants, water supply treatment plants,
21 or air pollution control facilities; construction and demolition wastes; dead animals, including offal;
22 discarded home and industrial appliances; and wood products or wood byproducts and inert materials.

23 (b) Solid waste does not mean municipal sewage, industrial wastewater effluents, mining wastes
24 regulated under the mining and reclamation laws administered by the department of environmental quality,
25 slash and forest debris regulated under laws administered by the department of natural resources and
26 conservation, or marketable byproducts.

27 (12) "Solid waste management system" means a system that controls the storage, treatment,
28 recycling, recovery, or disposal of solid waste. For the purposes of this definition, a container site, as
29 defined in 75-10-103, is not a component of a solid waste management system.

30 (13) "Storage" means the actual or intended containment of wastes, either on a temporary basis

or for a period of years.

(14) "Transport" means the movement of wastes from the point of generation to any intermediate points and finally to the point of ultimate storage or disposal.

(15) "Treatment" means a method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any solid waste so as to neutralize the waste or so as to render it safer for transport, amenable for recovery, amenable for storage, or reduced in volume.

(16) "Waste tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect."

Section 2. Section 75-10-204, MCA, is amended to read:

"75-10-204. Powers and duties of department. The department shall, subject to the provisions of 75-10-107, adopt rules governing solid waste management systems that must include but are not limited

(1) requirements for the plan of operation and maintenance that must be submitted with an application under this part;

(2) the classification of disposal sites according to the physical capabilities of the site to contain type of solid waste to be disposed of;

(3) the procedures to be followed in the disposal, treatment, or transport of solid wastes;

(4) the suitability of the site from a public health standpoint when hydrology, geology, and climatology are considered;

(5) requirements relating to ground water monitoring, including but not limited to:

(a) information that owners and operators of municipal solid waste landfills and other disposal sites specified in 75-10-207 must submit to the department to enable the department to prepare the priority compliance list authorized by 75-10-207(3);

(b) the content of plans for the design, construction, operation, and maintenance of monitoring wells and monitoring systems; and

(c) recordkeeping and reporting;

(6) fees related to the review of solid waste management system license applications;

(7) the renewal of solid waste management system licenses and related fees;

(8) a quarterly fee based on the justifiable direct and indirect costs to the state of administering Title 75, chapter 10, parts 1 and 2, for solid waste generated outside Montana and disposed of or incinerated within Montana;

(9) requirements to maintain a bond payable to the state of Montana with a surety satisfactory to the department in an amount sufficient to provide for waste tire treatment, removal, transportation, disposal, fire suppression, or other measures necessary to protect the environment and the health, safety, and welfare of the public;

~~(9)~~(10) any other factors relating to the sanitary disposal or management of solid wastes."

NEW SECTION. **Section 3. Waste tire disposal sites -- bond required.** (1) A solid waste management system licensed pursuant to 75-10-221 for the sole or primary purpose of storage, treatment, processing, or disposal of waste tires is required to provide and maintain a performance or other surety bond in accordance with rules of the department.

(2) A bond required by this section must be sufficient to cover the cost of proper management of the waste tires stored at the facility, including but not limited to waste tire treatment, removal, transportation, disposal, fire suppression, or other measures necessary to protect the environment and the health, safety, and welfare of the public.

(3) The department may require the owner or operator of the facility to modify the bond terms and conditions for the purposes of this section to adjust for changing circumstances at the facility, including but not limited to the number of waste tires accumulated without processing or disposal, availability of alternative waste tire markets, the financial viability of the facility operation, and the estimated costs of waste tire treatment, processing, transportation, and disposal alternatives.

NEW SECTION. **Section 4. Codification instruction.** [Section 3] is intended to be codified as an integral part of Title 75, chapter 10, part 2, and the provisions of Title 75, chapter 10, part 2, apply to [section 3].

-END-

SENATE NATURAL RESOURCES

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- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE - REREFERRED - DATE READ

SB0108	BECK, TOM		REVISE WATER ADJUDICATION LAWS			
	1/03	1/15		PASS AS AMENDED	VOTE:	1/28
SB0146	BISHOP, AL		SETTING UNIFORM STATE AMBIENT SULFUR DIOXIDE STANDARDS			
	1/09	2/05		TABLED ON 02/11	VOTE:	
SB0175	SWYSGOOD, CHARLES		RATIFY STATE-BLM RESERVED WATER RIGHTS COMPACT			
	1/14	1/31		PASS AS AMENDED	VOTE:	2/07
SB0223	COLE, MACK		CLARIFY AUTHORITY OF COAL BOARD TO ASSIST LOCAL GOVERNMENTS			
	1/25	2/03		PASS AS AMENDED	VOTE:	2/11
SB0224	COLE, MACK		GENERALLY REVISE THE MONTANA MAJOR FACILITY SITING ACT			
	1/25	2/03		PASS AS AMENDED	VOTE:	2/14
SB0253	LYNCH, J. D.		REVISING SOLID WASTE DEFINITION			
	1/30	2/05		TABLED ON 02/20	VOTE:	
SB0273	NELSON, LINDA		RESERVATION OF WATER FOR CERTIFICATE			
	2/03	2/07		DO PASS	VOTE:	2/11
SB0310	GROSFIELD, LORENTS		LOANS FOR WATER USERS ASSOCIATIONS			
	2/08	2/12		PASS AS AMENDED	VOTE:	2/14
SB0322	GROSFIELD, LORENTS		ESTABLISH ABANDONED MINE RECLAMATION AS PRIORITY FOR GRANTS			
	2/10	2/14		PASS AS AMENDED	VOTE:	2/20
SB0323	HERTEL, JOHN		REVISE CONSERVATION EASEMENT LAW			
	2/10	2/14		TABLED ON 02/20	VOTE:	
SB0332	MILLER, KEN		REQUIRE WASTE TIRE DISPOSAL SITES TO GIVE FINANCE ASSURANCE OF WORK QUALITY			
	2/11	2/14		DO PASS	VOTE:	2/20
SB0334	GROSFIELD, LORENTS		IMPLEMENT ARTICLE IX, SECTION 1 OF THE MT CONSTITUTION			
	2/12	2/17		DO PASS	VOTE:	2/20

MINUTES

**MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON NATURAL RESOURCES

Call to Order: By CHAIRMAN LORENTS GROSFIELD, on February 14, 1997, at 3:00 P.M., in Room 405.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Vivian M. Brooke (D)
Sen. Mack Cole (R)
Sen. Thomas F. Keating (R)
Sen. Dale Mahlum (R)
Sen. Bea McCarthy (D)
Sen. Ken Miller (R)
Sen. Mike Taylor (R)
Sen. Fred R. Van Valkenburg (D)

Members Excused: Sen. William S. Crismore

Members Absent: None

Staff Present: Larry Mitchell, Legislative Services Division
Gayle Hayley, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB322, SB323, SB332, SJ7
Posted: February 11, 1997
Executive Action: None

HEARING ON SB 323

Sponsor: SEN. JOHN HERTEL, SD 47, Moore

Proponents: Dolores J. Rife, Lewistown
Nita Periman, Anaconda
William MacBride Jr., Attorney for Dolores J. Rife

Opponents: David W. Woodyerd, Attorney from Bitterroot Valley
Bill Long, Financial Director, MT Land Reliance
Lisa Bay, Wolf Creek
Zack Worth, Rancher, Wolf Creek
REP. CHASE HIBBARD, HD 54, Helena

"Obscenity Picture", explaining it was the cover picture for a magazine. He referred to the Legislative Policy Statement in Title 15, Chapter 38, Section 102, and said RIT spendable revenues should be spent to protect and restore the environment from damages resulting from mineral development. The purpose of fund usage was any funds available under this chapter shall be used and expended to improve the whole environment and to rectify damages. He said the statutory law reflected the mandate given in Article IX of the Montana Constitution; in fact, the RIT was listed under the section entitled, "Reclamation". Mr. Judge informed the Committee Montana had one of the best abandoned mine reclamation programs in the nation and they should be given the tools to continue to lead in this regard. He asked support for the bill.

Angela Janacaro, Montana Mining Association, said the tax was created to remediate past environmental problems and strongly supported the concept of cleaning up these damages.

Mark Simonich, Department of Environmental Quality (DEQ), said the Department supported the bill because it focused dollars on the cleanup of abandoned mine sites throughout Montana, which would be helpful to Montanans.

Opponents: None.

Questions From Committee Members and Responses:

SEN. MACK COLE asked if there was currently \$1.5 million for cleanup. Ray Beck said currently in the Reclamation Grant Program there was \$3 million; however, 95% of it was earmarked for reclamation. He said he recommended \$1.1 million to go for abandoned mine cleanup in the next biennium.

SEN. COLE asked if all the funds had come from mines. Mr. Beck said the money has come from the interest earned on the Resource Indemnity Trust Account.

Closing By Sponsor:

SEN. LORENTS GROSFIELD said the fact there were many people "singing the same song" indicated a lot of support for the bill.

SEN. KEN MILLER relinquished the chair to CHAIRMAN LORENTS GROSFIELD who had finished sponsoring SB 322.

HEARING ON SB 332

Sponsor: SEN. KEN MILLER, SD 11, Laurel

Proponents: Jan Sensibaugh, Dept. of Environmental Quality
Anne Hedges, MT Environmental Information Center
Tom Daubert, Waste Management Inc.

Opponents: None

Opening Statement by Sponsor:

SEN. KEN MILLER, SD 11, Laurel, said SB 332 dealt with waste tires because it was evident something needed to be done regarding bonding for a permitted disposal site or holding site which would allow later disposal of tires. He referred to a situation near Columbus where a person was collecting tires for the purpose of recycling (some estimates were .5 million) and there was a question of whether he would have the ability to clean it up because it was on state lands. He said it would have been helpful to have been able to ask for a bond of some type which would have allowed for money to clean up; if there had, there wouldn't be the problem today.

Proponents:

Jan Sensibaugh, Department of Environmental Quality (DEQ), said the bill would require tire landfills and retail recovery facilities for waste tires to provide financial assurance for closure, something which was always required for municipal landfill -- the Department felt tire facilities should also be covered. SB 332 would ensure a person could not accumulate a large number of tires and then abandon them or go out of business without leaving funds behind for the cleanup. She said the Department could accommodate the finances in this bill without an increase in funding. She expressed support for SB 332.

Anne Hedges, Montana Environmental Information Center, referred to several newspaper articles covering events which, if SB 332 passed, would no longer be taking place, i.e. illegal dumping of waste tires on vacant property one mile east of the Continental Divide, officials wondering if the state would get stuck with a five-acre scrap tire pile or a huge fire because someone was stockpiling tires. She said they strongly supported the bill.

Tom Daubert, Waste Management, Inc., said some folks had been permitted to have tire facilities which had not turned out to be quite as environmentally efficient. This bill would go a long way to ensure folks who implemented new, alternative ways to deal with tires wouldn't create a problem and then leave it behind.

Opponent: None.

Questions From Committee Members and Responses: None.

SEN. KEN MILLER said there was a need for the bill and said Brad Griffin, Retail Trade Association, was another proponent, though he couldn't be at the hearing. He asked the Committee to look favorably on the bill.

{Tape: 1; Side: B; Approx. Time Count: 4:20 p.m.}

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on February 19, 1997, at 3:00 p.m., in Room 405.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. William S. Crismore, Vice Chairman (R)
Sen. Vivian M. Brooke (D)
Sen. Mack Cole (R)
Sen. Thomas F. Keating (R)
Sen. Dale Mahlum (R)
Sen. Bea McCarthy (D)
Sen. Ken Miller (R)
Sen. Mike Taylor (R)
Sen. Fred R. Van Valkenburg (D)

Members Excused: None

Members Absent: None

Staff Present: Larry Mitchell, Legislative Services Division
Gayle Hayley, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 356, SB 363; Posted 2/17/97
Executive Action: SB 322, SB 323, SB 332, SB 337,
SB 342, SB 334, SB 253, SJR 7

HEARING ON SB 356

Sponsor: SEN. STEVE DOHERTY, SD 24, Great Falls

Proponents: Peter Funk, Trout Unlimited
Patrick Judge, Montana Environmental Information Center
Florence Orr, Northern Plains Resource Council
Debra Smith, Montana Chapter of the Sierra Club
Hope Stevens, Marysville
Pat Hettinger, Lewis and Clark Dept. of Health
Missoula Dept. of Health Water Quality Protection District
Janet Ellis, Montana Audubon Society

MOTION/VOTE: _____ ? MOVED TO TABLE SB 323. THE
MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 332

Motion/Vote: SENATOR MILLER MOVED THAT SB 332 DO PASS. THE
MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 334

Motion: SENATOR COLE MOVED THAT SB 334 DO PASS.

Discussion: I'm not ready to offer an amendment because it doesn't really change much. I like the bill the way it is, at least at this point.

SEN. VAN VALKENBURG. I missed the hearing on this bill, so some of my comments may not be germane, but we've managed to make it for 25 years without this bill and with the Constitutional provision we have.

If we start coming up with something like this to implement every provision that's in the Constitution, there could be an endless number of bills. I can't really imagine why this is necessary or what it says to a court, other than what is already in law. Basically, this says the legislature has passed some laws, and that's what we've done to implement the constitutional amendment. I don't think it's necessary.

CHAIRMAN GROSFIELD. SEN. VAN VALKENBURG correctly identified at least part of the purpose of the bill. Section 1 talks about where we've been since the new Constitution has been enacted. A number of pretty significant statutes deal with environmental law. This bill tries to give at least a legislative interpretation of what we think the Constitution means and how we are passing these laws. Obviously, if the court disagrees, they will let us know.

Section 2 in its present form it requires that a balancing act be done. Mr. Pogue was here earlier on the other bill, and I thought he made a great proponent for my bill, when he spoke about Article 2 of the Constitution, and how we need balance among those inalienable rights Article 2. Section 2 of the bill applies in cases where you cannot adequately mitigate under the statutes. That's the balancing test the agencies would use.

In my opening for the hearing of this bill, I talked about trying to set down on paper the legislative interpretation of what that Article means. Obviously, if the court doesn't agree then we'll go with these, and we've done that in a number of other bills. In fact, most bills that we've passed, in some manner or another, implement the Constitution. For example, in the ethics bill we passed last time, specific mention is made of an Article of the Constitution that bill was implementing or attempting to

HOUSE NATURAL RESOURCES

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- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE - REREFERRED - DATE READ

	3/03	3/21	3/24, 4/2	CONCUR AS AMENDED	4/4	VOTE: 18-0	
SB0332	MILLER, KEN		WASTE TIRE DISPOSAL SITE BONDING				
	3/03	3/10		CONCUR AS AMENDED	3/14	VOTE: 11-6	3/20
SB0334	GROSFIELD, LORENTS		IMPLEMENT ARTICLE IX, SECTION 1 OF THE MT CONSTITUTION				
	3/03	3/24		TABLED	4/2	VOTE: 10-8	
SB0337	GROSFIELD, LORENTS		RATIFY ROCKY BOY'S RESERVED WATER COMPACT				
	3/03			CONCUR	4/2	VOTE: 16-1	
SB0339	GROSFIELD, LORENTS		REVIEW CERTAIN PARCEL DIVISIONS				
	3/03	3/24		CONCUR AS AMENDED	4/2	VOTE: 16-2	
SB0342	BROOKE, VIVIAN		CHANGES TO U. CLARK FORK LEASING/CHANGE STATUTES AND COMMITTEE STRUCTURE				
	3/03			CONCUR AS AMENDED	4/2	VOTE: 16-0	
SB0359	TOEWS, DARYL		POTENTIAL SALE OF STATE LAND IN DANIELS COUNTY; FUNDS TO ASSIST EXCHANGES				
	3/03			TABLED	4/4	VOTE: 10-8	
SB0377	GROSFIELD, LORENTS		GENERALLY REVISE CECRA; ORPHAN SHARES				
	3/03	3/10		CONCUR AS AMENDED	4/2	VOTE: 18-0	
SJ0013	MILLER, KEN		URGE CROWN BUTTE SUPPORT				
	3/03	3/14	TABLED 3/21 (10-8)	CONCUR AS AMENDED	4/4	VOTE: 12-6	

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chairman Dick Knox, on March 10, 1997, at 3:00 p.m., in Room 437

ROLL CALL

Members Present:

Rep. Dick Knox, Chairman (R)
Rep. Bill Tash, Vice Chairman (Majority) (R)
Rep. Hal Harper, Vice Chairman (Minority) (D)
Rep. Haley Beaudry (R)
Rep. Aubyn A. Curtiss (R)
Rep. Jon Ellingson (D)
Rep. Doug Mood (R)
Rep. Karl Ohs (R)
Rep. Scott J. Orr (R)
Rep. Bob Raney
Rep. Trudi Schmidt (D)
Rep. Robert R. Story, Jr. (R)
Rep. Jay Stovall (R)
Rep. Emily Swanson (D)
Rep. Lila V. Taylor (R)
Rep. Cliff Trexler (R)
Rep. Carley Tuss (D)
Rep. Douglas T. Wagner (R)

Members Excused: none

Members Absent: none

Staff Present: Kathleen Williams, Legislative Services
Stephanie Braun, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 377, SB 332
Executive Action: SB 108 DO CONCUR AS AMENDED
(18-0), SB 175 DO CONCUR AS
AMENDED (18-0), SB 223 DO
CONCUR AS AMENDED (18-0)

Rep. Knox handed out information from Fritz Daly about the Berkeley Pitt marked as Exhibit #1.

{Tape: 1; Side: a; Approx. Time Count: 1.7; Comments: Exhibit #1.}

HEARING ON SB 332

Opening Statement by Sponsor:

Sen. Ken Miller, SD #11

{Tape: 2; Side: a; Approx. Time Count: 9.6; Comments: none.}

Proponents' Testimony:

Jan Sensibaugh, Department of Environmental Quality submitted Exhibit #6

{Tape: 2; Side: a; Approx. Time Count: 13.9; Comments: Exhibit #6.}

Brad Griffin, Tire Retailers of the State

{Tape: 2; Side: a; Approx. Time Count: 14.8; Comments: none.}

Anne Hedges, Montana Environmental Information Center

{Tape: 2; Side: a; Approx. Time Count: 15.8; Comments: none.}

Opponents' Testimony: none

Questions From Committee Members and Responses:

{Tape: 2; Side: a; Approx. Time Count: 16.5; Comments: none.}

{Tape: 2; Side: a; Approx. Time Count: end; Comments: flipped tape at the very end.}

{Tape: 2; Side: b; Approx. Time Count: 0.1; Comments: none.}

Closing by Sponsor:

Sen. Miller closed

{Tape: 2; Side: b; Approx. Time Count: 7.8; Comments: none.}

EXECUTIVE ACTION ON SB 108

Motion: Rep. Trexler moved DO CONCUR

{Tape: 2; Side: b; Approx. Time Count: 14.8; Comments: none.}

Amendments: sb010801.akw submitted and moved by Rep. Trexler

Discussion: Rep. Orr asked if the water users had been asked their opinion regarding the amendment. Rep. Trexler said yes, and their opinion was that the phrase "in whole or" made no difference.

Motion/Vote: Question on the amendment, (18-0) passed unanimously

Discussion: Rep. Beaudry asked what happened to Jan Rehberg's amendment. Rep. Harper addressed the question.

{Tape: 2; Side: b; Approx. Time Count: 18.6; Comments: none.}

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chairman Dick Knox, on March 14, 1997, at 3:00 p.m., in Room 437

ROLL CALL

Members Present:

Rep. Dick Knox, Chairman (R)
Rep. Bill Tash, Vice Chairman (Majority) (R)
Rep. Hal Harper, Vice Chairman (Minority) (D)
Rep. Haley Beaudry (R)
Rep. Aubyn A. Curtiss (R)
Rep. Jon Ellingson (D)
Rep. Karl Ohs (R)
Rep. Scott J. Orr (R)
Rep. Bob Raney
Rep. Trudi Schmidt (D)
Rep. Robert R. Story, Jr. (R)
Rep. Jay Stovall (R)
Rep. Emily Swanson (D)
Rep. Lila V. Taylor (R)
Rep. Cliff Trexler (R)
Rep. Carley Tuss (D)
Rep. Douglas T. Wagner (R)

Members Excused: Rep. Doug Mood

Members Absent: none

Staff Present: Kathleen Williams, Legislative Services
Stephanie Braun, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 224 (3/5), SJ 13 (3/6)
Executive Action: SB 332 DO CONCUR as AMEND (11-6)

Rep. Knox asked Rep. Tash to report on the Subcommittee meeting held with regards to SB 97.

{Tape: 1; Side: a; Approx. Time Count: 0.2; Comments: none.}

Rep. Tash reported to the Committee about the Subcommittee meeting held on Wednesday morning at 7 a.m. to decide on amendments to SB 97.

{Tape: 1; Side: a; Approx. Time Count: 2.2; Comments: none.}

EXECUTIVE ACTION ON SB 332

Motion: Rep. Stovall, DO CONCUR

{Tape: 1; Side: a; Approx. Time Count: 9.9; Comments: none.}

Amendments: Rep. Harper proposed a conceptual amendment

{Tape: 1; Side: a; Approx. Time Count: 10.2; Comments: none.}

Discussion: Rep. Orr feels this is a good amendment.

{Tape: 1; Side: a; Approx. Time Count: 12.0; Comments: none.}

Motion/Vote: Rep. Ellingson called for a Question. Amendment passes 16-0, Rep. Schmidt and Mood were not present to vote for the amendment.

Discussion: Rep. Orr still feels its a good amendment, but its still not a good bill.

{Tape: 1; Side: a; Approx. Time Count: 13.1; Comments: none.}

Rep. Tash is going to speak in favor of the Bill as a first step to reform.

{Tape: 1; Side: a; Approx. Time Count: 16.5; Comments: none.}

Rep. Harper moves the Bill as amended.

{Tape: 1; Side: a; Approx. Time Count: 18.0; Comments: none.}

Rep. Stovall is in favor of the Bill and trying to stop people from just throwing tires around and not disposing of them properly.

{Tape: 1; Side: a; Approx. Time Count: 18.1; Comments: none.}

Rep. Tuss is going to speak against the Bill, she doesn't feel it'll do a thing to help the problem.

{Tape: 1; Side: a; Approx. Time Count: 18.7; Comments: none.}

Rep. Curtiss appreciates Carley's remarks and wanted to add by giving the Department more rulemaking authority what would this change.

{Tape: 1; Side: a; Approx. Time Count: 23.2; Comments: none.}

Rep. Story appreciates Rep. Tuss' comments. He is going to support this bill.

{Tape: 1; Side: a; Approx. Time Count: 24.2; Comments: none.}

Rep. Tuss said that the example used to promote this bill was from her District and she feels this Bill would have done nothing to change what happened in her District (Rep. Tuss refers to a newspaper picture, supplied by Anne Hedges of MEIC, of a tire fire that happened in the Black Eagle District in Great Falls).

{Tape: 1; Side: a; Approx. Time Count: 28.2; Comments: none.}

Rep. Wagner has a concern about what triggers the licensing procedure, this Bill says that DNRC does and he is concerned about this.

{Tape: 1; Side: a; Approx. Time Count: 29.8; Comments: none.}

Jan Sensibaugh commented that the DNRC has specific rules about operating as a business.

{Tape: 1; Side: a; Approx. Time Count: 31.7; Comments: none.}

Rep. Beaudry wants to know what happens if someone is collecting tires and can't pay the bond.

{Tape: 1; Side: b; Approx. Time Count: 0.3; Comments: none.}

Jan Sensibaugh said that the people would have to be licensed after a certain amount of tires.

{Tape: 1; Side: b; Approx. Time Count: 1.2; Comments: none.}

VOTE: Rep. Orr called for a question. Voice vote, 11-6 (Rep. Mood was absent for the vote) Reps. Curtiss, Tuss, Wagner, Orr, Trexler and Taylor voted no. Rep. Story will carry this Bill on the House floor.

HEARING ON SB 224

Opening Statement by Sponsor: Sen. Mack Cole, SD #4 opened
{Tape: 1; Side: b; Approx. Time Count: 6.9; Comments: none.}

Proponents' Testimony:

Jan Sensibaugh, Department of Natural Resources and Conservation submitted Exhibit #1

{Tape: 1; Side: b; Approx. Time Count: 11.1; Comments: Exhibit #1.}

Jim Mockler, MT Coal Council

{Tape: 1; Side: b; Approx. Time Count: 15.0; Comments: none.}

Rep. Haley Beaudry, HD #35

{Tape: 1; Side: b; Approx. Time Count: 18.0; Comments: none.}

Tom Ebzrey attorney representing Portland General Electric and Puget Power and Electric

{Tape: 1; Side: b; Approx. Time Count: 24.1; Comments: none.}

Ed Bartlett, MT Power Company in Butte

{Tape: 1; Side: b; Approx. Time Count: 27.3; Comments: none.}

Sen. Tom Keating, SD #5

{Tape: 1; Side: b; Approx. Time Count: 27.3; Comments: none.}

Candace Torgerson, Billings Generative Inc. (BGI)

{Tape: 1; Side: b; Approx. Time Count: 28.7; Comments: none.}

Opponents' Testimony: